

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
EDUARD PETROIU, et al.,
Defendants.

2:11-cr-0434-LDG-PAL

ORDER

Third party Bojidar Stoytchev has filed a petition for a claim against \$2,512 seized by the government from his son, Eugeni Stoytchev, when he was arrested (#522). Petitioner claims that he “gave” his son \$4,600 days before the arrest for travel and living expenses to return to Bulgaria. The United States has filed a motion to strike the claim (#528).

As the government argues, petitioner’s claim is procedurally deficient because it is unsworn. See 21 U.S.C. § 853(n)(3). Moreover, petition has not shown that he had a property interest in the money after he “gave” it to his son. See 21 U.S.C. § 853(n)(6)(a). Rather, the record indicates that the transfer was an irrevocable gift. Accordingly,

THE COURT HEREBY ORDERS that the United States' motion to strike petitioner's claim (#528) is GRANTED.

THE COURT FURTHER ORDERS that petitioner's claim against property to be forfeited (#522) is DENIED as moot.

Dated this / 3 day of May, 2014.

Lloyd D. George
United States District Judge